

EVENT VIOLATION INSPECTOR'S STATEMENT

Company/Mine: Genwal Resources, Inc/Crandall Canyon Mine
 Permit #: C/015/032

NOV # N04-49-4-1
 Violation # 1 of 1

A. SERIOUSNESS

1. What type of event is applicable to the regulation cited? Refer to the DOGM reference list of event below and remember that **the event is NOT the same as the violation.** Mark and explain each event.

- | | | |
|-------------------------------------|----|--|
| <input type="checkbox"/> | a. | Activity outside the approved permit area. |
| <input type="checkbox"/> | b. | Injury to the public (public safety). |
| <input type="checkbox"/> | c. | Damage to property. |
| <input checked="" type="checkbox"/> | d. | Conducting activities without appropriate approvals. |
| <input type="checkbox"/> | e. | Environmental harm. |
| <input type="checkbox"/> | f. | Water pollution. |
| <input type="checkbox"/> | g. | Loss of reclamation/revegetation potential. |
| <input type="checkbox"/> | h. | Reduced establishment, diverse and effective vegetative cover. |
| <input type="checkbox"/> | i. | No event occurred as a result of the violation. |
| <input type="checkbox"/> | j. | Other. |

Explanation: The USFS trail head is for public parking for individuals accessing the trail head. The area is posted by the operator that no mine related or employee parking is permitted in the trail head. The USFS has allowed the mine to utilize this area for snow storage and occasionally for a longwall move. The snow storage in this trail head is approved in the mining and reclamation plan. When the area has been used during a longwall move the USFS has issued a special use permit. The USFS called and e-mailed the Division on 08/03/04 with a complaint that the trail head was being used by mine personnel for parking (e-mail w/photograph). The area was inspected on 08/17/04 and a vehicle (Dodge Neon Utah Plate 890LZA) was parked in the trail head. The photograph from the USFS was reviewed and the same vehicle appeared in that photograph.

2. Has the event occurred? Yes

If yes, describe it. If no, what would cause it to occur and what is the probability of the event(s) occurring? (None, Unlikely, Likely).

Explanation: A Dodge Neon was parked in the USFS trail head on 08/17/04. The area is clearly posted that mine related and employee parking is not permitted in the USFS trail head.

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3. Did any damage occur as a result of the violation? No

If yes, describe the duration and extent of the damage or impact. How much damage may have occurred if the violation had not been discovered by a DOGM inspector? Describe this potential damage and whether or not it would extend off the disturbed and/or permit area.

Explanation: _____

B. DEGREE OF FAULT (Check the statements which apply to the violation and discuss).

☐ Was the violation not the fault of the operator (due to vandalism or an act of God), explain. Remember that the permittee is considered responsible for the actions of all persons working on the mine site.

Explanation: _____

☐ Was the violation the result of not knowing about DOGM regulations, indifference to DOGM regulations or the result of lack of reasonable care.

Explanation: _____

☐ If the actual or potential environmental harm or harm to the public should have been evident to a careful operator, describe the situation and what, if anything, the operator did to correct it prior to being cited.

Explanation: _____

☒ Was the operator in violation of a specific permit condition?

Explanation: The area is posted with a sign that specifies that no mine related or employee parking is to take place in the USFS trail head.

☐ Has DOGM or OSM cited the violation in the past? If so, give the dates and the type of warning or enforcement action taken.

Explanation: _____

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C. GOOD FAITH

1. In order to receive good faith for compliance with an NOV or CO, the violation must have been abated before the abatement deadline. If you think this applies, describe how rapid compliance was achieved (give date) and describe the measures the operator took to comply as rapidly as possible.

Explanation: _____

2. Explain whether or not the operator had the necessary resources on site to achieve compliance.

Explanation: The operator indicated that another car was parked in the USFS trail head on 08/18/04 and that the car was towed out of the USFS trail head. The abatement for the violation was listed as immediately. The violation was issued on 08/19/04 at the completion of the complete inspection.

3. Was the submission of plans prior to physical activity required by this NOV / CO? No If yes, explain.

Explanation: _____

Karl R. Houskeeper
Authorized Representative

Karl R. Houskeeper
Signature

August 20, 2004
Date